

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

DONALD LEE HICKMAN, )  
                          )  
Plaintiff,             )  
                          )  
v.                      )       No.: 3:11-CV-222  
                          )       (VARLAN/GUYTON)  
MICHAEL J. ASTRUE,    )  
Commissioner of Social Security,    )  
                          )  
Defendant.             )

**ORDER**

This Social Security appeal is before the Court on the Report and Recommendation entered by United States Magistrate Judge H. Bruce Guyton on September 20, 2011 [Doc. 12]. There have been no timely objections to the Report and Recommendation and enough time has passed since the filing of the Report and Recommendation to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

In the Report and Recommendation, the magistrate judge recommends that the Commissioner's motion to dismiss [Doc. 6] be granted. The Court has carefully reviewed this matter, including the underlying motion and complaint. The Court is in agreement with the magistrate judge's recommendation, which the Court adopts and incorporates into its ruling. Accordingly, the Court **ACCEPTS IN WHOLE** the Report and Recommendation [Doc. 12]. Additionally, it is hereby **ORDERED** that Defendant's Motion to Dismiss [Doc.

6] is **GRANTED**. This case is **DISMISSED**, and the Clerk of Court is **DIRECTED** to close this case.

IT IS SO ORDERED.

s/ Thomas A. Varlan  
UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT

s/ Patricia L. McNutt  
CLERK OF COURT